

# SENATE JOURNAL

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## IDAHO LEGISLATURE

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FIFTY-NINTH LEGISLATURE

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**FORTY-SEVENTH LEGISLATIVE DAY  
FRIDAY, FEBRUARY 22, 2008**

Senate Chamber

At the request of the President Pro Tempore, Senator Cameron called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Gannon, absent and formally excused by the Chair; and Senators Goedde, Little, and McKenzie, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Madisen Holbrook, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 21, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senator McKenzie was recorded present at this order of business.

February 22, 2008

The JUDICIARY AND RULES Committee reports that **S 1438** has been correctly printed.

DARRINGTON, Chairman

**S 1438** was referred to the Judiciary and Rules Committee.

February 21, 2008

The JUDICIARY AND RULES Committee reports that **S 1250, S 1273, S 1274, S 1282, S 1287, S 1307, S 1317, S 1322,** and **S 1342** have been correctly enrolled.

DARRINGTON, Chairman

The Acting President announced that Enrolled **S 1250, S 1273, S 1274, S 1282, S 1287, S 1307, S 1317, S 1322,** and **S 1342** will be held at the desk for the signature of the President Pro Tempore, and when so signed will be transmitted to the House for the signature of the Speaker.

February 21, 2008

The JUDICIARY AND RULES Committee reports that **S 1252**, as amended, **S 1403**, as amended, **S 1415**, as amended, **S 1422**, as amended, and **S 1431**, as amended, have been correctly engrossed.

DARRINGTON, Chairman

**S 1252**, as amended, **S 1403**, as amended, **S 1415**, as amended, **S 1422**, as amended, and **S 1431**, as amended, were filed for first reading.

February 21, 2008

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1252, S 1403, S 1415, S 1422,** and **S 1431** have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 21, 2008

The FINANCE Committee reports out **H 537, H 538,** and **H 539** with the recommendation that they do pass.

CAMERON, Chairman

**H 537, H 538,** and **H 539** were filed for second reading.

February 21, 2008

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1399** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

ANDREASON, Chairman

There being no objection, **S 1399** was referred to the Fourteenth Order of Business, General Calendar.

February 21, 2008

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 414** and **H 492** with the recommendation that they do pass.

ANDREASON, Chairman

**H 414** and **H 492** were filed for second reading.

February 21, 2008

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 454** and **H 455** with the recommendation that they do pass, and with the recommendation that they be placed on the Consent Calendar.

ANDREASON, Chairman

**H 454** and **H 455** were filed for second reading.

February 21, 2008

The TRANSPORTATION Committee reports out **S 1390** and **H 364** with the recommendation that they do pass.

McGEE, Chairman

**S 1390** and **H 364** were filed for second reading.

February 21, 2008

The EDUCATION Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Milford Terrell to the State Board of Education, term to expire March 1, 2012.

GOEDDE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 21, 2008

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 431** and **S 1402** with the recommendation that they do pass.

HILL, Chairman

**H 431** and **S 1402** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

**Messages from the Governor**

February 21, 2008

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1246, S 1247, S 1270, S 1271, S 1284,  
S 1338, S 1346, S 1347, and S 1358**

As Always - Idaho, 'Esto Perpetua'  
/s/ C. L. 'Butch' Otter  
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

**Messages from the House**

February 21, 2008

Mr. President:

I transmit herewith **H 401, HCR 46, HCR 47, H 490, H 426,** and **H 441** which have passed the House.

ALEXANDER, Chief Clerk

**H 401, HCR 46, HCR 47, H 490, H 426,** and **H 441** were filed for first reading.

February 21, 2008

Mr. President:

I return herewith **SCR 126**, which has passed the House.

ALEXANDER, Chief Clerk

**SCR 126** was referred to the Judiciary and Rules Committee for enrolling.

February 21, 2008

Mr. President:

I return herewith Enrolled **S 1272**, which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled **S 1272** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

### **Motions and Resolutions**

Senators Goedde and Little were recorded present at this order of business.

The Acting President announced the Judiciary and Rules Committee report relative to the Gubernatorial appointments of Thomas J. Hearn and Ronald Nate was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Jorgenson, seconded by Senator Kelly, the Gubernatorial appointment of Thomas J. Hearn as a member of the Sexual Offender Classification Board was confirmed by voice vote.

On motion by Senator Hill, seconded by Senator Kelly, the Gubernatorial appointment of Ronald Nate as a member of the Idaho Judicial Council was confirmed by voice vote.

The Acting President declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for the signature of the President Pro Tempore, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Acting President announced that **HCR 39** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Hammond, seconded by Senator Werk, **HCR 39** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

### **Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials**

**S 1252**, as amended, by Commerce and Human Resources Committee, was read the first time at length and filed for second reading.

**S 1403**, as amended, by Education Committee, was read the first time at length and filed for second reading.

**S 1415**, as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

**S 1422**, as amended, and **S 1431**, as amended, by Judiciary and Rules Committee, were read the first time at length and filed for second reading.

**H 401**, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

**HCR 46** and **HCR 47**, by Commerce and Human Resources Committee, were introduced, read at length, and referred to the Commerce and Human Resources Committee.

**H 490**, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 426** and **H 441**, by Agricultural Affairs Committee, were introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

### **Second Reading of Bills**

**S 1430**, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

**H 409** and **H 381**, by Judiciary, Rules, and Administration Committee, were read the second time at length and filed for third reading.

**H 388** and **H 378**, by Health and Welfare Committee, were read the second time at length and filed for third reading.

**H 385**, as amended, by Education Committee, was read the second time at length and filed for third reading.

**S 1401**, by Local Government and Taxation Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### **Third Reading of Bills**

**S 1405**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burkett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Gannon, Little. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1405** passed, title was approved, and the bill ordered transmitted to the House.

**S 1387**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Gannon, Little. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1387** passed, title was approved, and the bill ordered transmitted to the House.

President Pro Tempore Geddes assumed the Chair.

**S 1348**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Keough, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner. Total - 26.

NAYS--Bilyeu, Burkett, Kelly, Langhorst, Sagness (Malepeai), Stennett, Werk. Total - 7.

Absent and excused--Gannon, Little. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1348** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:10 a.m. until the hour of 10 a.m., Monday, February 25, 2008.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary